UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

VICKY PIONTEK, Plaintiff, v. CONVERGENT OUTSOURCING, INC. and DOES 1 to 10, inclusive, Defendants.	Case No. **COMPLAINT FOR VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT ("FDCPA"), THE WASHINGTON COLLECTION AGENCY ACT ("WCAA") AND THE WASHINGTON CONSUMER PROTECTION ACT("WCPA")** **JURY TRIAL DEMANDED**

COMPLAINT AND DEMAND FOR JURY TRIAL

1. This is an action brought by a consumer for violation of alleged violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq*. (hereinafter ''FDCPA'').

2. Plaintiff is Vicky Piontek, an adult individual whose principal residence is 21 South 12th Street, Suite 1W, Philadelphia, Pennsylvania 19107.

3. Defendants are the following:

   a. CONVERGENT OUTSOURCING, INC., 800 SW 39th Street, Renton, King County, Washington 98057.

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b. John Does 1-10, individuals or business entities whose identities are not known to Plaintiff at this time, but which will become known upon proper discovery. It is believed and averred that such Does played a substantial role in the commission of the acts described in this complaint.

JURISDICTION AND VENUE

4. The previous paragraphs of this complaint are incorporated by reference and made a part hereof.

5. Jurisdiction of this court arises under 15 U.S.C. §1692k(d) and 28 U.S.C. 1367. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

6. Venue is proper in this jurisdiction because Defendants do business in this jurisdiction and avail themselves of the benefits of the market in this jurisdiction.

7. Venue is proper in this jurisdiction because a substantial portion of the transactions, occurrences or omissions took place near this jurisdiction.

COUNT ONE: VIOLATION OF 15 USC 1692 ET. SEQ (FDCPA) FAILURE TO MAKE REQUIRED DISCLOSURES IN A WRITTEN COMMUNICATION

8. The previous paragraphs of this complaint are incorporated by reference and made a part of this action.

9. Plaintiff is a consumer debtor as defined by the Fair Debt Collections Practices Act (FDCPA), 15 U.S.C. 1692 et. seq.

10. At all relevant times in this Complaint, Defendants were acting as debt collectors as defined by the FDCPA, 15 U.S.C. 1692 et. seq.

11. At all times mentioned herein, Defendants were attempting to collect on an alleged consumer debt against Plaintiff.

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12. Within one (1) year of the date preceding the date of this Complaint, Plaintiff received a communication from the Defendant in the form of a letter that was dated March 11, 2012 and was post marked March 29, 2012.

13. In no place in this communication did the Defendant identify who the communication was from or that it was from a debt collector.

14. The only means for identifying who the communication was from was the return address on the outside of the envelope, which belongs to Defendant.

15. The above referenced mail correspondence was a communication as defined by 15 USC 1692(a)(2).

16. Every communication by a debt collector must give meaningful disclosure of the debt collector's identity, as well as state that the purpose of the communication is to collect a debt. See Foti v. NCO Financial Systems, Inc., 424 F. Supp. 2d 643 (S.D.N.Y. 2006); INMAN V. NCO FINANCIAL SYSTEMS, INC, United States District Court for the Eastern District of Pennsylvania, Docket Number NO. 08-5866; Edwards v. NIAGARA CREDIT SOLUTIONS, INC., United States Court of Appeals for the Eleventh Circuit, Docket Number 08-17006. See GRYZBOWSKI v. I.C. SYSTEM, INC 3:CV-08-1884, UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA *(2010).*

17. The above referenced mail correspondence violated the FDCPA for the following reasons.

a. It did not have Defendant's name anywhere on it, thereby violating *§1692e*of the FDCPA. See attached exhibit.

b. It did not indicate anywhere on the correspondence that the correspondence was from a debt collector, *§1692e* of the FDCPA. See attached exhibit.

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c. It did not indicate anywhere on the correspondence that the correspondence was an attempt to collect a debt, *§1692e* of the FDCPA. See attached exhibit.

d. It was sent without meaningful disclosure of Defendant debt collector's identity. See attached exhibit.

18. Defendant's acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

19. As a result of the foregoing violations of the FDCPA, Defendant is liable to the Plaintiff, Vicki Piontek, for declaratory judgment that Defendant's conduct violated the FDCPA, actual damages, statutory damages, and costs and attorney fees.

COUNT TWO: VIOLATION OF RCW 19.16. (WCAA) FAILURE TO MAKE REQUIRED DISCLOSURES IN A WRITTEN COMMUNICATION AND WASHINGTON STATE CONSUMER PROTECTION ACT

20. The previous paragraphs of this complaint are incorporated by reference and made a part of this action.

21. Plaintiff is a debtor as defined by the Washington Collection Agency Act (WCAA), RCW 19.16 et. seq.

22. At all times relevant in this Complaint, Defendants were acting as a collection agency as defined by the WCAA, RCW 19.16 et. seq.

23. At all times mentioned herein, Defendants were attempting to collect on an alleged consumer debt against Plaintiff.

24. The above referenced mail correspondence violates RCW 19.16 for the following reasons.

a. It did not have Defendant's name anywhere on it, thereby violating *RCW 19.16.250(8)(a)* of the RCW, which states "No licensee or employee of a licensee

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shall . . . give or send to any debtor or cause to be given or sent to any debtor, any notice, letter, or form, other than through proper legal action, process or proceedings, which represents or implies that a claim exists unless it shall indicate in clear and legible type . . . the name of the licensee and the city, street, and number at which he or she is licensed to do business. . . ." See attached exhibit.

b. Defendant's mail correspondence violates RCW 19.16.440, which states "the commission by a licensee or an employee of a licensee of an act or practice prohibited by RCW 19.16.250 are declared to be unfair acts or practices or unfair methods of competition in the conduct of trade or commerce for the purpose of the application of the Consumer Protection Act found in RCW 19.86.

DAMAGES

25. The preceding paragraphs are incorporated by reference and made a part hereof.

26. Plaintiff's actual damages are $1.00 more or less, including but not limited to postage, phone calls, fax, gas, mileage, etc.

27. $1,000 statutory damages under 15 USC 1681 et. seq.

28. Treble damages pursuant to RCW 19.86 et. seq.

29. Plaintiff suffered frustration, distress and anger as a result of Plaintiff's rights being violated by Defendant.

30. The value of Plaintiff's emotional distress shall be proven at trial.

DEMAND FOR JURY TRIAL

Please take notice that Plaintiff, Vicki Piontek, demands trial by jury in this action.

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DATED: September 17, 2012

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EXHIBIT

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Sprint

Customer	Account Number	Bill Period	Bill Date
Vicki Piontek	[redacted]6012	Feb 08 - Mar 07	Mar 11, 2012

Hello!

Unfortunately, your account is past due. Please pay the total below immediately.

Sprint is making changes to its policies. Please see the "Sprint News and Notices" box on page 2, the back of this page, for details.

Previous Balance.. $335.76

Total Due $335.76

88746076
XSP100
TEX

You can contact Sprint Customer Service

On the Web:
www.sprint.com

By Phone:
1-888-211-4727

Use your Mobile free of charge:
Dial *2 to contact Customer Service
Dial *3 to make a one-time payment

F NP

Sprint

Detach and return this remittance form with your payment.
Past due amount of $335.76 due immediately. New charges due by Mar 31.
Account Number 893886012

Amount due $335.76

Amount Enclosed $

#BWNKCTX
#0000[redacted]6012 B 4#
MANIFESTLINE-------------------
VICKI PIONTEK
24 W GOVERNOR RD
HERSHEY, PA 17033-1722

PO BOX 105243
ATLANTA, GA 30348-5243

893886012 00000000000 000000335760 0000003357б8

Sprint

Customer	Account Number	Bill Period	Bill Date
Vicki Piontek	[redacted]6012	Feb 08 - Mar 07	Mar 11, 2012

SPRINT NEWS AND NOTICES

This section contains important updates about your Sprint Services, Including Service or Rate Changes, Promotions and Offers.

Rates: International, U.S. Territories & possessions

Rates, including associated roaming rates, for International, U.S. Territories and possessions, are subject to change from time to time without notice. Visit sprint.com/international for the current voice, text and data rate information.

Software Updates Available

Keep your phone's software current by checking for updates regularly. Log on to sprint.com any time to check your alerts or go to sprint.com/learn and follow the instructions for your phone. That's getting it done right now.

Hearing Aid Compatibility

Sprint offers a variety of handsets that have been rated for compatibility with several types of hearing aids. Please visit sprint.com/accessibility for more information.

IMPORTANT INFORMATION RELATING TO YOUR SPRINT BILL

Billing Information. This bill is due on the date shown. A late payment charge applies for unpaid balances and is charged at the highest rate permissible by law. Sprint Nextel will impose a $25 charge for each returned check. Service is subject to disconnection if payment is not received by the due date shown. Contact us first with billing disputes, which must be made within 60 days of the invoice date. Charges that are not properly disputed will be deemed accepted and due by the date shown. Roaming charges accrued during the billing period may appear on subsequent bills because of third-party processing delays.
Contacting Sprint. Address written correspondence to: Sprint Customer Service, PO Box 8077, London, KY 40742 (include your name and account number). Please do not include any correspondence in your bill.
Call detail. Full call detail information is available online.

E911. Enhanced 911 (E911) services, which provide public safety officials your location during a 911 call are not available everywhere and at all times. E911 availability is dependent on many factors, including the ability of particular local public safety agencies to receive and process location information, the capabilities of your equipment and other factors affecting the delivery of services.
Your Privacy. Protect against unauthorized account access by using a Personal Identification Number (PIN) to identify yourself when calling Care or visiting a retail store. Visit sprint.com/pin to establish or change your PIN. Don't use commonly known info like birthdays or SSNs. To access your account online, create a unique UserID/password. To review Sprint's Privacy Policy, go to sprint.com.

ETF per line: Up to $350 for Advanced Devices; up to $200 for other devices. Prorated ETF calculated by months remaining in term times $20 (max. $350 & min. $100) for Advanced Devices or months remaining times $10 for other devices (max. $200 & min. $50). No ETF in accordance with Sprint's Return Policy. See sprint.com/etf.
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Use a passcode to protect against unauthorized access. If you don't use a passcode, anyone who has your handset can access your messages; therefore we strongly recommend you set one up. It's easy - just access your voicemail and follow the prompts.

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